

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1159 of 2016

- Smt. Mayaso Bai W/o Bor Mangat Ram Aged About 45 Years Caste Uraon, R/o Village Bakirama, Post Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh
--- **Petitioner**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Gandhi Nagar, Ambikapur, District Sarguja Chhattisgarh
--- **Respondent**

For the applicant : Mrs. Jitendra Shrivastava, Advocate.
For the State : Ms. Sunita Jain, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.01.2017

1. Apprehending arrest in connection with Crime No. 234 of 2016 registered at Police Station Gandhi Nagar, Ambikapur, Distt. Sarguja (C.G) for the offences punishable u/ss 498-A/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by one Sanjita Ekka on 21.09.2016 that she was married to Mahendra Lakra on 13.06.2016, thereafter she was subjected to torture for demand of dowry by the husband and the present applicant along-with other family members. The present applicant is mother-in-law and having not fulfilled the demand, the complainant was subjected to cruelty.
3. Learned counsel for the applicant would submit that the

applicant is mother-in-law and she has been falsely implicated and only general omnibus allegations have been attributed to the present applicant. It is further submitted that the main allegations were levelled against the husband because of his extra-marital affairs, therefore, no offence is made out against the present applicant and hence she may be released on anticipatory bail.

4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and documents as also the report and statement of victim. Considering the nature of allegations attributed to the applicant, which appears to be general omnibus in nature, I am of the view that it is a case where the applicant can be extended the benefit of provisions of Section 438 Cr.P.C.
6. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she will be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the officer arresting her or the concerned Investigating Officer. The applicant shall also abide by the following conditions :-
 - (i) that she will make himself available for interrogation before the investigating officer as and when required;
 - (ii) that she will not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;

- (iii) that she will not act in any manner which will be prejudicial to fair and expeditious trial;
and
- (iv) that she will appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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